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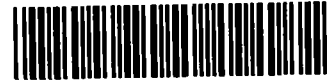
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January 28, 1985

US EPA RECORDS CENTER REGION 5



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William Sierks, Esq.
Environmental Enforcement Section
Land and Natural Resources Division
Department of Justice
Washington, D.C. 20530

Re: U.S.A., et al. v. Reilly Tar & Chemical
Corporation, et al.

Dear Bill:

This letter documents our phone conversation of January 24th in which the United States agreed as follows:

1. You will provide Reilly with copies of items 1, 2 and 5-12 as noted on the attached list of documents cited as responsive to various Reilly requests, and will send copies of these items directly to us.
2. You will provide copies of risk assessment and risk management documents related to PAH, provided however that Reilly reviews these documents in Washington, D.C.
3. You will provide copies of NPDES documents, provided that Reilly reviews these documents in Chicago.
4. You will provide copies of documents in Christopher Grundler's and Paul Bitter's files. Reilly will pay for the commercial copying of these documents, but you will arrange for the copying and will send the copies directly to us.
5. You will make Mark Hult's files available for our review, provided that we review these files in the U.S.G.S. offices in St. Paul.
6. You will identify the individuals noted in the United States' responses to Reilly's November 1st set of interrogatories and for which Reilly is presently without information.

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7. You will provide the computer data identified in Interrogatory No. 35, dated November 1, 1984. Reilly will periodically check with the United States for information concerning the "ongoing further studies" referenced in Interrogatory No. 35.

8. You will identify the "W.W. Wood (1976) Study" referenced in Interrogatory No. 35.

9. You will identify the basis of the claimed privilege for those documents listed as privileged pursuant to the Case Management Order. Reilly specifically inquires as to privileged document Nos. 1, 5, 8, 12, 17, 19-22, 24-29, 33-35, 56-57, 67, 72, 73, 78, 81-82, and 86.

10. You indicated that your response to Interrogatory No. 38, (citing other Reilly facilities) dated November 1, 1984 was complete. You agreed to review your response to the parallel document request to determine if the United States has provided Reilly with all responsive documents.

11. You agreed to check with David Hird regarding the identification of the PAH criteria document witness referenced in David's letter to Ed Schwartzbauer dated January 14, 1985, and to provide us with that identification as soon as possible.

12. You agreed to provide us with CV's for all of your expert witnesses.

I trust this accurately reflects our conversation and our agreements. You further suggested that responses to these discovery questions be forthcoming by February 8th or a date certain thereafter, and that we would be free after the 8th or the date certain to move to compel, if necessary. Reilly would agree to this timetable.

Very truly yours,



Mark R. Kaster

MRK/am

Documents Cited as Responsive to
Reilly Tar & Chemical Corporation's
Interrogatories and Requests for Production
of Documents.

- ✓ 1. Mr. Gruber's speech (paper) entitled, "Developing a More Consistent Risk Management Policy at EPA."
- ✓ 2. EPA policy document - Risk and Assessment: Framework for Decision Making.
3. Documents which concern risk assessment of PAH. } ✓
4. Documents related to risk management of PAH. }
5. Memorandum of Rich Bartelt, Chief, Groundwater Protection Section, dated November 28, 1978 re documents used to formulate answers to Interrogatories Nos. 31-33 dated November 1, 1984.
6. United States EPA - State of Minnesota Cooperative Agreement(s) for Remedial Planning Activities at the Reilly Tar site, including those of 1981, 1982 and 1984.
- ✓ 7. Action Memorandum from William H. Hedeman, Jr. to Rita M. LaVelle, "Authorization to Undertake Remedial Planning and Implementation Work at Reilly Tar and Chemical Corporation", July 28, 1984.
- 0 ✓ 8. Decision Memorandum: Cooperative Agreement with the State of Minnesota for work at the Reilly Tar and Chemical site, St. Louis Park, Minnesota from Valdas V. Adamkas to William Hedeman, Jr., August 17, 1984.
9. United States EPA Assistance Agreement/Amendment (Cooperative Agreement No. CX810556-01-1) with State of Minnesota, December 21, 1982, Amended September 4, 1984 Project Title: Reilly Tar and Chemical Remedial Project.
10. Memorandum: Cooperative Agreement with the State of Minnesota for Remedial Actions and Studies at the Reilly Tar and Chemical site from William N. Hedeman, Jr. to Rita M. LaVelle, December 8, 1982.
11. Memorandum: Cooperative Agreement with Minnesota for Remedial Activities at the Reilly Tar and Chemical site from Rita M. LaVelle to Frederick L. Meadows, December 8, 1984.
12. RCRA Cooperative Agreement of 1981.

13. Field notes related to the litigation. ✓
14. NPDES permits related to discharges within St. Louis Park, Edina, and Hopkins, and the portion of Minneapolis within the Minnehaha Creek Watershed District and documents related thereto as described in Reilly's Request for Production of Documents dated November 13, 1984. ✓
15. Documents responsive to Reilly's Request for Production of Documents dated November 1 and 13, 1984 and found at the following locations:
 - (1) United States Environmental Protection Agency
401 M. Street, S.W.
Washington, D.C. 20460
 - (2) United States Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604
 - (3) United States Geologic Survey
7th Floor, Post Office Building
180 East Kellogg Blvd.
St. Paul, Minnesota 55101